

GRAND JURY - July 18, 1996

188

Wilson - Rooney

(Whereupon the witness was excused and a recess was taken. Proceedings resumed with the same appearances.)

(Whereupon the witness, Adam Wilson, enters the room.)

MR. ROONEY: The next witness is Adam Wilson. I will ask the Grand Jury Foreperson to swear the witness in, please.

THE GRAND JURY FOREPERSON: Please stand and raise your right hand. Do you swear to tell the truth, the whole truth, nothing but the truth so help you God?

THE WITNESS: Yes, I do.

ADAM WILSON, upon being called as a witness and upon being sworn, was examined and testified as follows:

EXAMINATION BY MR. ROONEY:

Q Now, Mr. Wilson, you were subpoenaed before-- to testify before this Grand Jury. Do you understand that?

A Yes.

Q Did you also come to Grand Jury today with your attorney?

05432

1 COUNTY COURT OF THE STATE OF NEW YORK

2 COUNTY OF PUTNAM

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4 THE PEOPLE OF THE STATE OF NEW YORK

5 -vs.-

6 ANTHONY DIIPPO and

7 ANDREW KRIVAK,

8 DEFENDANTS

9 -----

10 Carmel, New York

11 December 13, 1996 P.M. Session

12

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14 BEFORE: HON. WILLIAM B. BRAATZ

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18 Testimony of Senior Investigator Daniel Stephens

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23 Michael McDonough

24 Official N.Y.S.

25 Court Reporter

1 December 13, 1996

2 APPEARANCES

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Krivak 041789

1 DECEMBER 16, 1996 MOTION TO QUASH 116

2 MR. LEEDER: I understand about the psychological record.

3 Are you also saying that I would need law if I am asking for jail
4 records?

5 THE COURT: I don't know that you are entitled to any of their records based
6 upon what you have told me so far.

7 Now, lets see, we have another Application.

8 We will move on to that.

9 All right, now, this is an application by the people to Quash a
10 Subpoena served, thought to be served by Mr. Spofford on Denise Rose.

11 Mr. Rooney, this is your application to Quash.

12 DISTRICT ATTORNEY: Yes, your Honor.

13 Denise Rose, according to the statement that are in evidence
14 alleges to be an eye witness to this crime which is alleged to have occurred
15 on October 3, 1994.

16 Her prior statements in this case, your Honor, have been provided
17 to the defense along with her Grand Jury testimony.

18 Her testimony would be irrelevant to this Hearing.

19 The events of October 3, 1994 are not the subject of this hearing.

20 The subject of this Hearing is the
21 admissibility of a statement made by Andrew Krivak to law enforcement
22 officials.

23 The issue of probable cause under Dunaway has been ruled upon
24 by this court that the statements themselves is what is relevant.

25 On the issue of probable cause the question is, what was in the

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COUNTY COURT: PUTNAM COUNTY
STATE OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK,

INDICTMENT

Plaintiff,

NO. 39/1996

-against-

ANDREW KRIVAK,

Defendant.

-----X

March 25, 1997

JURY TRIAL

07069

Krivak 042405

1 March 25, 1997

CHAMBERS

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2 THE COURT CLERK: Juror number 96. This is in chambers.

3 THE COURT: Well, a little matter has come up, I think

4 what we would like to know is, whether you have had

5 an opportunity or whether you ever discussed this

6 case with anybody since yesterday, other than the

7 fact that, perhaps, you are on the jury.

8 You mention the merit of the case or the quality

9 or anything like that?

10 PROSPECTIVE JUROR: No. Actually, my neighbor knew that

11 I was coming here and she called and, I said that I

12 was an alternate and that was it.

13 THE COURT: Well, can you assure us or not that you will

14 keep an open mind throughout the course of the trial?

15 PROSPECTIVE JUROR: Definitely.

16 THE COURT: Mr. Rooney?

17 DISTRICT ATTORNEY: Nothing, Your Honor.

18 THE COURT: Mr. Spofford, do you have anything that you

19 want to ask this lady?

20 DEFENSE ATTORNEY: No, thank you, Your Honor.

21 THE COURT: Alright. You know this case gets a lot of

22 publicity and, it's very hard not to talk about it

23 and so forth, but, we really want to be sure that you

24 will work on it and that is the only thing.

25 Alright. Thank you very much.

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